

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed June 12, 2006. Upon entry of the amendments in this response, claims 1 – 6, 9 – 12, and 20 – 22 remain pending. In particular, Applicants have added claims 21 and 22, have amended claims 1, 2, 4 – 6, 9 and 20, and have canceled claims 7, 8 and 13 – 19 without prejudice, waiver, or disclaimer. Applicants have canceled claims 7, 8 and 13 – 19 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Claim Objections

The Office Action indicates that claims 2 and 6 are objected to due to various informalities. As set forth above, Applicants have amended claims 2 and 6 and respectfully assert that the objections have been accommodated.

Rejections Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 18 – 20 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As set forth above, Applicants have canceled claims 18 and 19 and respectfully assert that the objections to these claims have been rendered moot. With respect to claim 20, Applicants have amended claim 20 and respectfully assert that the rejection has been accommodated.

Rejections Under 35 U.S.C. §102

The Office Action indicates that claims 1 – 7, 12, and 17 - 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Danzyger*. The Office Action also indicates that claims 1 – 5, 12, 17 and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Meriz*. The Office Action further indicates that claims 1 – 4, 12, and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Chang*. As set forth above, Applicants have canceled claims 7 and 17 - 19 and respectfully assert that the rejections to these claims have been rendered moot. With respect to the remaining claims, Applicants respectfully traverse.

In this regard, Applicants have amended claim 1 to recite:

1. An input device for a computer comprising:
 - a housing;
 - a left-click actuator mounted to the housing;
 - a right-click actuator mounted to the housing;
 - a position-determining system mounted to the housing, the position-determining system being operative to determine movement of the housing and to provide a first output corresponding to the movement of the housing; and
 - a trackball mounted to the housing, the trackball being operative to rotate and to provide a second output corresponding to rotation of the trackball;

wherein the right-click actuator defines an aperture and the trackball protrudes into the aperture.

(Emphasis added).

Applicant respectfully asserts that the cited art is legally deficient for the purpose of anticipating claim 1. In particular, Applicant respectfully asserts that none of the references teaches or otherwise discloses at least the features/limitations emphasized above in claim 1. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance.

Since claims 2 – 4 are dependent claims that incorporate all the features/limitations of claim 1, and are not otherwise rejected in the Action, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

Rejections Under 35 U.S.C. §103

The Office Action indicates that claims 6 – 9 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Meriaz* in view of *Suzuki*, and that claim 20 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Meriaz* in view of *Adams*. The Office Action also indicates that claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Meriaz* in view of *Suzuki* and further in view of *Adams*, and that claims 5, 18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Chang* in view of *Adams*. The Office Action further indicates that claims 6 – 8 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Chang* in view of *Suzuki*, and that claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Chang* in view of *Suzuki* and further in view of *Adams*. As set forth above, Applicants have canceled claims 7, 8 and 19 and respectfully assert that the rejections to these claims have been rendered moot. With respect to the remaining claims, Applicants respectfully traverse.

As an initial matter, Applicants respectfully assert that the computer input device art is a crowded art as evidenced by the number of references cited in the pending Office Action. As such, even an incremental improvement in the art should be deemed patentable.

In this regard, none of the cited references teaches or reasonably suggests an input device “wherein the right-click actuator defines an aperture and the trackball protrudes into the aperture,” as recited in claim 1. Notably, although *Suzuki* teaches a trackball protruding through a switch, the switch is not a right-click actuator. To the contrary, the switch of *Suzuki* provides functionality involved with moving a cursor displayed to an operator, not actuating functionality associated with such a cursor as is accomplished using a right-click actuator. Therefore, regardless of how *Suzuki* is used in formulating a rejection, it is only proper for that use to involve a switch that is involved with moving a cursor. Since such is not claimed

by Applicants, Applicants respectfully assert that the rejection is improper and should be removed.

Applicants respectfully assert that the cited art, either individually or in combination, is legally deficient for the purpose of remedying the deficiencies set forth above with respect to the rejection of claim 1. In particular, Applicants respectfully assert that none of the references or combinations thereof teaches or reasonably suggests at least the features/limitations emphasized above in claim 1. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance. Since the remaining claims are dependent claims that incorporate all the features/limitations of claim 1, Applicants respectfully assert that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

Newly Added Claims

In this response, Applicants have added claims 21 and 22. No new matter has been added. Applicants respectfully assert that claims 21 and 22 are in condition for allowance for at least the reason that these claims are dependent claims that incorporate the limitations of claim 1, the allowability of which is set forth above. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

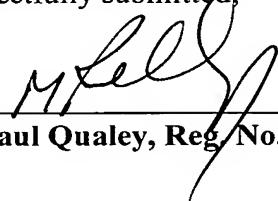
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 7/11/06.

Stephanie Biley
Signature